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General Assembly

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Sixty-ninth session
Third Committee

Allocation of agenda items to the Third Committee

Letter dated 19 September 2014 from the President of the General Assembly to the Chair of the Third Committee

I have the honour to inform you of the decisions taken by the General Assembly at the 2nd plenary meeting of its sixty-ninth session, held today, 19 September 2014, pertaining to the allocation of items to the Third Committee (see annex).

I wish to draw your attention to the relevant parts of sections III and IV of the report of the General Committee (A/69/250) concerning the agenda of the Main Committees.

I also draw your attention to the recommendations on the organization of the session contained in section II of the same report. Those recommendations were also approved by the General Assembly at its 2nd plenary meeting.

(*Signed*) Sam **Kutesa**

14-61461 (E) 240914

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Annex

Allocation of items to the Third Committee

1. Election of the officers of the Main Committees [item 5].

A. Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences

2. Social development [item 26]:
   (a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly;
   (b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family;
   (c) Follow-up to the International Year of Older Persons: Second World Assembly on Ageing;
   (d) Literacy for life: shaping future agendas.
3. Advancement of women [item 27]:
   (a) Advancement of women;
   (b) Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly.

B. Maintenance of international peace and security

4. Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions [item 61].

D. Promotion of human rights

5. Report of the Human Rights Council [item 63].
6. Promotion and protection of the rights of children [item 64]:
   (a) Promotion and protection of the rights of children;
   (b) Follow-up to the outcome of the special session on children.
7. Rights of indigenous peoples [item 65]:
   (a) Rights of indigenous peoples;
   (b) Second International Decade of the World's Indigenous People.

8. Elimination of racism, racial discrimination, xenophobia and related intolerance [item 66]:

   (a) Elimination of racism, racial discrimination, xenophobia and related intolerance;

   (b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

9. Right of peoples to self-determination [item 67].

10. Promotion and protection of human rights [item 68]:

   (a) Implementation of human rights instruments;

   (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

   (c) Human rights situations and reports of special rapporteurs and representatives;

   (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action.

H. Drug control, crime prevention and combating international terrorism in all its forms and manifestations

11. Crime prevention and criminal justice [item 105].

12. International drug control [item 106].

I. Organizational, administrative and other matters

13. Revitalization of the work of the General Assembly [item 118].

14. Programme planning [item 133].

United Nations A/C.3/69/2

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Sixty-ninth session
Third Committee
Agenda item 68 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 9 October 2014 from the Chargé d'affaires of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the text of a general assessment by the Islamic Republic of Iran regarding the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, contained in document A/69/306 (see annex).

I should be most grateful if you would arrange to have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 68 (c).

(*Signed*) Gholamhossein **Dehghani**
Ambassador
Chargé d'affaires, a.i.

14-62496 (E) 221014

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Annex to the letter dated 9 October 2014 from the Chargé d'affaires of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

General assessment of the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/69/306)

I. Introduction

1. The Government of the Islamic Republic of Iran is firmly determined to utilize its potential and capacity to the maximum extent in order to achieve the promotion and protection of all human rights. Iran's commitment to the promotion and protection of human rights is inherent, genuine and deeply rooted in the people's beliefs and values. It is intertwined with the nation's hopes for a brighter, happier, more prosperous and saner future. The Islamic Republic of Iran is firmly committed to the realization of all human rights and to providing the appropriate grounds for the realization of a civil society inside the country itself and in the outside world based on civilized behaviour and tolerance. The Islamic Republic of Iran does not claim that the realization of all human rights principles within the country is perfect. Obviously, no country can put forward such a claim. We are, however, of the view that Iran has directed its efforts to furthering and protecting human rights.

2. The report A/69/306, prepared by the Office of the United Nations High Commissioner for Human Rights in Geneva, is based on the politically motivated General Assembly resolution 68/184, the text of which has been introduced by Canada over the past 12 consecutive years. That resolution was not drafted to promote human rights, which is the main task of the United Nations human rights mechanisms; rather it is a text that was drafted only through the misuse of human rights mechanisms for political purposes. The Islamic Republic of Iran believes that Canada continues to ignore respect for the equal rights of all Iranian people, as stipulated in Article 1, paragraph 2, of the Charter of the United Nations, by submitting such a resolution.

3. The result of such an unhealthy resolution has led to the proliferation of reports under the name of the Secretary-General. The Permanent Mission of the Islamic Republic of Iran to the United Nations wishes to put forward the position of the Government of the Islamic Republic of Iran regarding the unjust prejudgement presented in document A/69/306. This Mission, together with the Permanent Mission of the Islamic Republic of Iran in Geneva, had submitted documented and cogent responses to the Secretary-General's previous reports in the hopes that they would be incorporated into the current report.

4. At the closing of paragraphs 3 and 4 of the report's introduction, prejudgement has taken the place of the provision of information. Thus, any opportunity for objective evaluation and analysis in the remainder of the introduction has been lost. As it stands, the introduction has changed into the final conclusion. This contradicts the structure one expects from a balanced and objective report.

5. Unfortunately, in many instances, the report has either not identified its sources or has included information received from partisan sources.

6. With regard to claims about the restriction of freedom of expression and certain social activities, we emphasize that legally protected freedoms should not be used as a cover for acts of terrorism; engaging in extremism; fomenting ethnic hatred; violence; and criminal activity. Geographically, the Islamic Republic of Iran is a neighbour to many difficult and challenging crises and, as such, it cannot afford to be complacent. However, as will be elaborated later in detail, we, once again, stress that no one in Iran is prosecuted for merely engaging in social, media or ethnic activities.

II. Overview of the human rights situation of the Islamic Republic of Iran

A. Death penalty

7. The principle stance of the Islamic Republic of Iran on the death penalty has been repeatedly stated in official positions. Undue concentration on claims of the increased use of capital punishment in Iran, as mentioned in paragraph 6, and reliance on estimated numbers, while ignoring contributing factors and emerging threats as well as Iran's extraordinary circumstances, especially the astonishing increase in the production of narcotics in countries to the east of Iran, bring into question the credibility of the report. Additionally, there are conflicting figures for the rate of capital punishment, as well as the citing of figures, whose source is Amnesty International, which are among the highest estimates. According to official figures, in 2013, the share of narcotics-related executions compared with the overall number of capital punishment cases amounted to 80 per cent. The Islamic Republic of Iran borders the biggest producer of traditional narcotics in the world. This fact has made the fight against drug trafficking of strategic importance. The country has taken effective measures to stem the flow of drugs but has paid a heavy price in blood and treasure. To date, more than 3,200 police and army personnel have lost their lives in the line of duty, with an additional 12,000 injured. Each year, hundreds of millions of dollars are spent (an example is the expenditure of $700 million to secure the eastern borders) to combat trafficking and transit networks, as well as on prevention, treatment and the rehabilitation of addicts. According to the United Nations Office on Drugs and Crime (UNODC), globally, more than 80 per cent of narcotics seizures are made by the Islamic Republic of Iran. As numerous UNODC reports confirm, and as stated by the Executive Director of UNODC and the Deputy Secretary-General of the United Nations, the Islamic Republic of Iran is now the standard-bearer in the global fight against narcotics. The Islamic Republic of Iran is on the front line of the fight against drug trafficking and the transit of narcotics to other countries and, while collaborating with other States and the United Nations, has invested heavily and is using every available tool to stop this illicit trade. All of these efforts have come together to produce the highest number of seizures in the world. As stated earlier, the fight against narcotics has been extremely costly, both in human lives and treasure. In certain instances, owing to the refusal of other States to responsibly cooperate, the authorities have had to deal with the abduction of police officers by terrorists working for drug traffickers.

8. There is no doubt that in our surrounding region, violent extremism, terrorism, organized crime and drug trafficking work hand in hand. Given the gravity of the situation, it is necessary for all relevant countries and international organizations to seriously and responsibly work together.

9. The separate entry for Afghans who have been executed (para. 7) is surprising. The individuals in question had played a substantial role in trafficking narcotics and their punishment only demonstrated the serious intent and impartiality of Iranian laws and the conduct of Iran in combating the narcotics trade.

10. Contrary to the claim made in paragraph 8, international figures show that efforts made by the Islamic Republic of Iran, as well as the judiciary's resoluteness in combating drug trafficking, have dramatically reduced such crimes. Additionally, there are other countries which consider the narcotics trade to be a serious threat to their security and social well-being; they, too, are considering the use of capital punishment. The Islamic Republic of Iran has repeatedly announced its readiness to engage in regional and international efforts to uproot the production and trafficking of narcotics.

11. Paragraph 9 of the report seemingly prejudges the possibility of appealing drug-related sentences. According to the laws and regulations of the Islamic Republic of Iran, capital punishment is limited to the most serious crimes, which include, among others, the extensive trafficking of narcotics. Such crimes are very carefully considered by the court, in which the representative of the prosecutor as well as the accused and his/her lawyer must be present. Subsequently, a sufficient number of sessions are held in which the case is fairly heard and a sentence meted out. Such cases can be prosecuted only in the presence of a lawyer. Sessions in which a lawyer is not present are not considered official and subsequent verdicts and sentences have no legal force and may be quashed by the Supreme Court. Article 32 of the amended drug control code of 1997 states: "death sentences that are handed down in accordance with this code must be endorsed by the Chief Justice of the Supreme Court and the State Prosecutor General". Thus, the margin of error has been minimized, for if any of the officials cited above deem the sentence to be in violation of sharia or legal parameters, they have the authority to ask for a review or to quash the sentence. This protocol provides the accused with his/her full rights. With this in mind, claims of disregard for the above-mentioned protocol, when narcotics-related cases are prosecuted, are untrue and should be corrected.

12. Also, allegations about the execution of 197 individuals in 2014, mostly carried out in secret, are completely refuted. The organization that made the accusation must produce evidence so that the matter can be investigated. Public executions are carried out only in restricted circumstances (examples would be in the case of public outrage over a heinous crime or public executions as an effective deterrent to crime). Most capital punishment cases are reported by the national media. Therefore, the implementation of punishment in prison must not be considered as punishment in secret. Furthermore, all information on the implementation of the punishment is provided to the condemned individual's lawyer and immediate family.

13. In response to paragraph 10, the use of the death penalty has been specifically defined under Iranian law. Political activities are not among them. With regard to the allegation contained in paragraph 10 and the case of Gholamreza Khosravi Svadjany, the following information will demonstrate that he was engaged in terrorist activity and that his political views were not a consideration. Mr. Khosravi was tried on charges of collaboration with the MKO terrorist group. After the completion of legal proceedings and a hearing and the defence of the accused and that of his lawyers for all of his activities, including his efforts to advance the plans

of the above-mentioned terrorist group, such as gathering information and collecting and sending donations, the court, by citing articles 46, 47, 186 and 190 of the Islamic Penal Code, sentenced him to death. The sentence was appealed by the condemned, and the case was referred to the Supreme Court, which later upheld the sentence. Also, with regard to the contention that the new Islamic Penal Code, of 2013, could have been used to save Mr. Khosravi from the above-mentioned punishment, please note that the Supreme Court's verdict was issued on 7 March 2011, more than two years before the new code came into effect. Other claims contained in the paragraph are equally devoid of truth. Furthermore, the report's portrayal of a person with such a persistent record of terrorist activities as a social activist whose freedom of expression was violated is regrettable.

14. With regard to paragraph 11, on the execution of Mahafarid Amir-Khosravi, please note that under article 286 of the Islamic Penal Code, widespread and stark disruption of the economic system of the country is considered a major crime and, as such, is punishable by execution. In addition, Mr. Amir-Khosravi was guilty of money-laundering, bribery, the use of false documents and aiding forgery. His actions were economically disruptive and caused great damage (nearly $1 billion) to several banks. We point out that Mr. Amir-Khosravi was provided with a fair hearing, in numerous sessions, attended by his attorneys. After the verdict of the court of first instance was handed down, it was appealed. However, the appeals court upheld the original verdict. Iranian law, in a manner similar to that of many other countries, has devised capital punishment for individuals who severely disrupt the flow of the economy by engaging in criminal acts that violate the public's rights. Criminal investigation into the role of other individuals implicated in the case continues in a transparent fashion.

15. In paragraph 12 of the report, reference is made to the execution of 27 women in 2013. Although these figures are dubious, it should be noted that sentences disregard gender, for it cannot be a consideration. However, in many instances, authorities show leniency towards women, especially when implementing the sentence. As an example, in accordance with article 437 of the Islamic Penal Code, a pregnant woman cannot be subjected to *qesas* (retribution) before giving birth. Additionally, after delivery, the implementation of the sentence will be postponed as long as the life of the infant depends on the mother. Razeyeh Mirdamadi Baserl, also known as Farzaneh Moradi, was arrested on charges of the wilful murder of her husband by multiple stabbings. After the victim's immediate family petitioned the court, a thorough criminal investigation was conducted which led to the issuance of an indictment and the referral of the case to the province of Isfahan criminal court. Subsequently a panel of five judges heard the case and sentenced the defendant to *qesas*. The sentence was appealed by the condemned and her lawyer. As a result, the Supreme Court reviewed the case, but upheld the original sentence. Following the insistence of the victim's immediate family on the implementation of the sentence and the failure of court reconciliation efforts, the sentence was carried out. We point out that when committing the crime, Ms. Mirdamadi (Moradi) was 21 years of age and mentally mature. As such, there were no ambiguities in the dossier. Additionally, in the eyes of Iranian law (article 1062 of the civil code), marriage takes place when the couple clearly expresses their consent and wish by using words that convey their intention to marry. If an individual claims that she was forced into marriage, she has the possibility of petitioning the family court and asking for justice by requesting an annulment. In principle, claims of being forced into

marriage were made to elicit sympathy and cannot distort the criterion of fair hearings and influence a homicide investigation.

16. We express our appreciation for the correct understanding of the difference between execution and *qesas*, as mentioned in paragraph 13 of the report. In the past year, as a result of mediation by governmental and non-governmental organizations, 125 *qesas* cases were reduced to *diah* (payment of damages or blood money) or clemency and, subsequently, convicted individuals were spared from the death penalty. Additionally, the claim of 85 cases of *qesas* in the first five months of 2014 is not credible, nor is the source of this claim mentioned in the report. In the same paragraph, and in paragraph 14, a question about the Government's level of commitment to clemency in crimes which carry the death penalty, in accordance with the provisions of the International Covenant on Civil and Political Rights, is raised. In response, please note that, although in *qesas* cases the implementation of the sentence is dependent on the request of the next of kin, the Chief of the Judiciary, even after the finalization of the verdict, may decide not to issue the necessary permit. Therefore, for all practical purposes, the possibility still exists to stop the implementation of sentence and this, in itself can be considered to be a State pardon.

17. In cases which relate to the implementation of capital punishment for criminals who are below the age of 18, as mentioned in paragraphs 15 to 18 of the report, please note that the Islamic Republic of Iran, cognizant of its Islamic and humanitarian duties, is extremely flexible towards offenders who are below the age of 18. The cases of such individuals are heard in special courts, which make every effort to mete out light and minimum punishments. Homicide cases in which the culprit is mature but under the age of 18 are tried by provincial courts and in the presence of a panel of five judges. According to the law and Islamic sharia, wilful murder carries the *qesas* penalty. In such cases, the State is required only to investigate and determine wilful intent. The implementation of the verdict can be carried out only when requested by the owners of the blood. In accordance with existing procedure, even after the court's decision has been finalized and endorsed by the Supreme Court, the Reconciliation Commission will work to persuade the owners of the blood to forgive the culprit and change the *qesas* penalty to *diah* (blood money). In recent years, scores of offenders have been saved from *qesas*. The principled policy of the Islamic Republic of Iran in dealing with such cases is to encourage reconciliation, even by providing financial aid to offenders to enable them to pay *diah*. The judiciary has now established a working group to help prevent punishments that take the lives of offenders. The working group is affiliated with the Tehran Province Prosecutor General's Executive Committee on the Protection of Children and Adolescent Rights. The goal of the Committee is to promote reconciliation and prevent the implementation of *qesas* sentences. The Committee is staffed by volunteers, such as artists, representatives of non-governmental organizations, experts on children, and donors. If necessary, inviting influential people or the owners of the blood to help with the reconciliation effort and organizing meetings between members of the group and the judge can be arranged.

18. According to articles 88 and 89 of the Islamic Penal Code, punishments below the level of execution for individuals who, at the time of committing offense, were 9 to 15 years of age are transformed into rehabilitation. With regard to the case of Janat Mir, it should be noted that the justice department of the Province of Isfahan

has investigated the issue, but has been unable to find a record for a person by the name of Janat Mir.

19. Regarding sanitation and health care for prisoners, and responding to the claims included in paragraph 19, in spite of existing economic problems in Iran as a result of unlawful sanctions which have been imposed on the country, all the provisions related to sanitation and health care for prisoners have been implemented. All prisoners have appropriate access to medical treatment and highly specialized physicians, either inside or outside the prison. At the same time, ensuring sanitation and health care for prisoners and the cleanliness of their cells is guaranteed according to articles 102 to 118 of the rules of procedure for the organization of prisons. In addition, according to articles 9 and 10 of the Executive Regulations of Law on legal freedom and respecting civil rights, the inspection groups in different provinces are responsible for inspecting and investigating issues of individual civil rights in prisons. They visit different sections and cells in prisons in order to ensure respect for prisoners' civil rights. They interview prisoners in order to become well informed about their situations. In this regard, in 2013, there were 2,338 cases of inspection in prisons and 3,646 cases of inspection in detention centres which are under the control of disciplinary forces. During the first half of 2014, there were about 350 cases of inspection in prisons and 640 cases of inspection in detention centres which are under the control of disciplinary forces and the judiciary. It is necessary to mention that, during all these inspections, details were taken into consideration, such as controlling the space in which the prisoners are kept; separating and classifying the prisoners on the basis of their convictions (for minor culpable or criminal offences); separating juvenile offenders below 18 years of age from adult prisoners; separating prisoners with communicable or dangerous diseases; controlling the sanitary situation of prisons, etc. In case of any deficiencies, the inspectors give necessary orders for improving and ameliorating the situation.

20. It should be mentioned that the circulation of the rules of procedure for the implementation of the modality of inspection and control of detention centres and prisons, which was provided by the judiciary for better implementation of the laws and regulations and to further respect for legal freedoms and the protection of civil rights, indicates the seriousness of the judiciary in protecting the legal rights of prisoners and removing all deficiencies. Meanwhile, the inspection delegations for inspecting the individual civil rights of prisoners not only inspect on a regular basis. They can also visit prisons unexpectedly in order to inspect the sanitary and health situation and, at the same time, check on the responsible authorities of the prisons, making sure that they perform their duties appropriately.

21. Regarding paragraph 20 of the report, it should be noted that Kazemini Brojerdi, who was reportedly arrested for establishing extremist cults, lit some motorbikes and a bus on fire and carried illegal arms. After a legal procedure in the presence of his lawyer, he was sentenced to 10 years in prison. All claims regarding the above-mentioned prisoner, asserting inappropriate conditions concerning his place in prison or lack of access to medical facilities, are not valid and are groundless. According to the official reports, the above-mentioned prisoner has had repeated accessed to medical facilities. On May 2013, according to the report of the prison's doctor, he was sent to Modarres Hospital for a check-up. On the basis of the results of the tests that were performed in October 2013, no special problems were

reported. Also, he was checked by the prison doctor in April 2014 and, at the present time, he has no chronic or acute symptoms.

22. With reference to paragraph 22, according to official information, Mirhossein Mousavi enjoys health care and specialized medical care. The elements, such as blood pressure, blood lipids, health of the heart, etc., are under the control of a trusted family doctor on a regular basis. Furthermore, since May 2014, including from 10 to 23 June 2014, he was admitted to different specialized hospitals for further check-ups. According to the results of those examinations, he enjoys good clinical health. In addition, he has had access to visual and printed media and he has had periodic meetings with his family, including attending religious ceremonies, birthdays and funerals. Contrary to this report's claims, during the current Iranian year, he has enjoyed more privileges than in the previous year.

B. Situation of women

23. With regard to paragraph 23 of the report, it is noted that since the establishment of the Islamic Republic of Iran, special attention has been paid to the promotion and protection of women's rights and women's empowerment. To that end, as, to some extent, mentioned in the Secretary-General's report, Iran has put into place a wide range of measures to promote women's health care, education, employment and security and to combat women's poverty. Iran has also made efforts to eliminate violence against them.

24. The Islamic Republic of Iran has regarded the promotion of the cultural, social, economic and political status of girls and women as a key element in policymaking, legislation and national planning. In addition, the 20-year National Vision of the Islamic Republic of Iran (by the year 2025), as an interdisciplinary and overarching document, has set out, for the whole country, especially for those in the legislative, executive, and judicial branches, the important goal of Iranian society's enjoyment of social justice; legal freedoms; respect for dignity and human rights; social and judicial security; health; welfare; food security; social welfare; equal opportunities; appropriate income distribution; the enjoyment of an optimal environment; and a strong family foundation, free from poverty, corruption and discrimination. In this regard, and considering the major share of women and their effective role in Iranian society, the Government has continuously endeavoured to mainstream women's issues in the national development framework, while strengthening the family foundation, which has also been a part of the Government's agenda for development.

25. The human development index shows that Iranian women and girls have made outstanding progress in education, research, science, entrepreneurship, employment and health. Despite the existence of severe and unprecedented unilateral sanctions against our nation, Iranian women have moved towards excellence, progress and predetermined goals. It is worth noting, given the new Government's approach based on moderation, prudence and hope, that a new series of women's efforts and activities within the framework of women and family, as well as public discourse on moderation, has already started that, it is hoped, will accelerate the success of women and enhance their status. In the meantime, promoting the women's national organization to the level of Vice-Presidency for Women and Family Affairs has strengthened this hope. At present, the mission of the Vice-Presidency is to prepare the ground for the realization of a gender balance in different aspects of women's

life by taking a new approach and using all the existing potential and political will for more support of women's human rights. More institutes have been formed at different levels as follows:

(a) Appointing a women's affairs adviser within all ministries and government organizations;

(b) Promoting the role of the Family, Women and Youth Affairs Commission and the Women's Fraction in the Iranian Parliament;

(c) Promoting the role of the Women's Social and Cultural Council in the High Council of the Cultural Revolution;

(d) Establishing a centre for protecting women's and children's rights in the judiciary;

(e) Appointing a female adviser in all family courts, based on clause 3 of the single article of the Child/Family Protection Code (ratified 2012);

(f) Promoting the role of female police officers in the police system.

In addition, in order to improve women's status in legislation, the following new actions have been taken:

(a) Paying special attention to women's rights in the new Code of Criminal Procedure;

(b) Making it possible for non-governmental organizations involved in the protection of women's and children's rights to initiate a lawsuit and allowing them to attend court hearings and introduce evidence during legal proceedings (article 66);

(c) Creating the victims' fund in the Ministry of Justice to support women who have been victims of violence;

(d) Employing female law enforcement officers to interrogate and investigate female offenders (article 42);

(e) Instituting the domestic work protection code (2010);

(f) Amending articles 1 to 7 of the procedures of the women's part-time service law (2010);

(g) Drafting and formulating the bill on the provision of women's security against violence (2011).

26. With respect to paragraph 25, it should be noted that women in the Islamic Republic of Iran do participate in the Government cabinet as Vice-President; also, they have important positions in the judicial system, even as a Supreme Court judge, which is indicative of an accelerating upward trend in the status of women in the judicial system. Furthermore, the Guardian Council and the Expediency Council hold many consultations with women and their research through relevant committees. The report of the Millennium Development Goals achievements in the Islamic Republic of Iran shows an appropriate picture of women's progress in terms of the eight goals. The statistics show magnificent improvements in poverty and hunger reduction, education and health.

C. Freedom of expression and peaceful assembly

27. Some of the provisions of paragraphs 26 and 27 try to claim that the new Iranian President has failed to meet his promises. This claim is repeated in several paragraphs of the report, with the intention of criticizing Iran. In this regard, one should note that there was only a 10-month time span between the date that the new Iranian Government took office and the drafting of the report, while the realization of the promises and plans made during the campaign requires much more time. Nonetheless, even during this 10-month period, we witnessed commendable achievements in accordance with the President's promises, including an increase in per capita income; an increase in production (for example, a 12 per cent increase in wheat production); growth in employment; a drop in inflation; the preparation and implementation of a comprehensive health system, which will significantly reduce health-care costs, especially for the needy; delivering new, non-cash subsidies to the vulnerable strata of society; drafting the citizenship rights charter; attempts to increase the publication of books; restoring the responsibilities of publishers while reducing the Government's share and responsibility in the publishing of books; paying more attention to environmental issues and giving more monitoring power to the Environment Protection Organization, among other provisions.

28. Regarding paragraph 28, it should be noted that, according to article 24 of the Constitution of Iran, which addresses the freedom of the press, it had been explicitly mentioned that the details of this article should be specified by common law. Subsequently, this measure was included in articles 6 and 7 of the amended press law, enacted on 18 April 2000. Moreover, it should be mentioned that, according to article 73 of the Constitution, the interpretation of acts of law is a responsibility of the Parliament, while, at the same time, judges are allowed to interpret common law in order to extract the truth. Furthermore, countries are deemed competent to enact their own laws in compliance with the International Covenant on Civil and Political Rights. The provisions of article 19 of the Covenant have been taken into consideration in the press law of Iran.

29. Regarding paragraph 29, as stated earlier, according to article 24 of the Iranian Constitution, the press is free to express any content, unless it is in conflict with Islamic principles or with public rights. Also, the press law, enacted on 13 March 1986, and its subsequent amendments, chapter 4, articles 6 and 7, specify the limits of such freedom, while press-related crimes are explicitly stated in chapter 6, articles 23 through 35. Therefore, if a crime occurs, according to the press law, a competent court with the presence of a jury, as stated in chapter 7 of the law, shall hear the case in an open court session. Therefore, the freedom of the press and the observance of the natural and legal rights of individuals are mutual obligations, and, hence, there is no discrimination against journalists in this regard. While a few journalists are being tried on charges of violation of the law, thousands of other journalists and media organizations are freely performing their professional tasks. Furthermore, since paragraph 29 of the report presents undocumented statistics about the number of detained journalists, providing no exact arrest date, period of detention or the number of journalists who pleaded not guilty and were released, it deserves criticism. In addition, the serious crimes of journalists, such as insisting on publishing false information, spreading ethnic hatred and encouraging violent extremism and violence, are not mentioned in this paragraph.

30. Regarding paragraph 31, as will be mentioned in the following paragraphs, media activities in Iran are conducted in total freedom. Among thousands of Iranian press companies, only a few have been prosecuted for committing offences. On the alleged cases mentioned in this paragraph, it should be noted that the *Ebtekar* newspaper was banned only for three days in order for it to submit the required explanations to the relevant courts for publishing false information. Subsequently, after clarifying the issue, the newspaper resumed its activities and is currently active. *9-Dey* newspaper was banned only for a short time and resumed its activities after being examined by the Press Supervisory Board and receiving legal notice to observe the law and professional criteria more strictly, and it is currently active. On the basis of the information given in the previous paragraphs, and with reference to the cited legal articles, these punishments were imposed after fair legal proceedings were held and the offences of the abovementioned newspapers were established. As a result, paragraph 32 not only repeats false allegations, but also provides unnecessary recommendations arising out of prejudice, which must not be embodied in the structure of the Secretary-General's report.

D. Internet censorship

31. Regarding paragraph 33, as mentioned previously, the period of 10 months that the President has been in office has not been long enough for him to realize his promises. Nevertheless, activities, including developments in the field of communications and ease of access to the Internet, have been advancing the implementation of those promises. On the basis of existing information, Internet use per capita was determined to have been two kilobytes per second for each Iranian last year, while the plan is to upgrade the Internet capacity to one terabyte in the country. Of course, it should be mentioned that, despite the spread of the Internet and unlimited access for all walks of society, families, institutions and companies to the Internet at the present time, the Internet is still slow. Last year, the internal bandwidth was 620 gigabytes per second and today it has reached 820 gigabytes per second. On the issue of data transfer, as well as optical fibre and the wave capacity currently available, it is worth mentioning that during the first 100 days of President Rouhani's Government, 150 km of optical fibre was installed, and the network is growing rapidly.

32. Regarding paragraph 34, we would like to reiterate that, in the Islamic Republic of Iran, all media, print or digital, are treated in accordance with the law. Owing to the intensity of the threats and the spread of viruses like Stuxnet to the nation's internal networks, and also cyberattacks on the country's official institutions and espionage acts through well-known Internet servers, the Government decided to simultaneously establish the Internal Internet Network and with the Anti-Cybercrime Centre, in order to protect data and the networks. As a result, according to article 22 of the Computer Crimes Code, the judiciary was obliged to form the Committee to Determine the Criteria for Criminal Contents. This Committee includes representatives of the related bodies, under the chairmanship of the Attorney General. The Committee acts in accordance with laws and regulations to determine the criteria for deciding if an Internet site or network aims to jeopardize the society's public safety and security, promulgate offences against public morality, provide false information, support terrorist groups and perpetrate other similar actions. Related judiciary centres, on the basis of existing laws, investigate the offences committed by the caretakers of these Internet sites and

networks. This approach not only does not violate freedom of expression and public privacy, but it also paves the way for further ensuring the rights and privacy of citizens on the Internet. This action is also in line with the public demand that the Government defend the people's dignity, rights and privacy against those who broadcast personal and private information impudently, without permission. It is worth noting that the Ministry of Communications and Information Technology, in line with enforcing article 46 of the Fifth Development Plan, concerning the establishment and development of the National Information Network for the access of all citizens to a secure and high-speed Internet, has initiated the planning and implementation of the required infrastructure. This effort has, unfortunately, developed less than expected owing to the unlawful sanctions imposed on Iran. Nevertheless, as mentioned in paragraph 33, the Ministry is working to achieve the above-mentioned goals. On the basis of information received, allegations about, for example, the blocking of the Whatsapp and Instagram Internet sites, are baseless. Iranian Internet users have enough access to these sites. As stated, however, any Internet provider that commits a criminal act similar to those explained in the legal articles mentioned above will be subject to prosecution.

33. Regarding paragraph 35 of the report, Sassan Soleimani, a rookie director, committed the illegal act of deceiving girls and boys with the false premise of giving them an acting test and, without obtaining their consent, made a short video of a dance. The broadcasting of the video by some websites caused public agony and evoked public feelings. He was, therefore, prosecuted. Given the complaints filed by the subjects of the act upon being deceived by Mr. Soleimani, the presentation of evidence and indicia in the prosecutor's office, and the fact that they had no criminal record, they were immediately released on bail. As for the director of the video, further investigations were conducted and he was ultimately freed on bail in June 2014. His case is awaiting trial. In Iran, there are various cultural, sports and recreational programs for youth, and art colleges provide extensive training to all interested youth. Public opinion in Iran, which demands ethics and the dignity of the family, originates from the common values and norms respected by Iranian society and considers some actions as corruption worthy of rejection. Other allegations described at the end of paragraph 35 cannot be responded to, because the details and names of the people in the report have not been provided.

E. Situation of human rights defenders and activities

34. Regarding paragraphs 36 and 37 of the report, chapter 3 of the Constitution of the Islamic Republic of Iran, entitled the "Rights of the Nation", reiterates the legitimate freedoms of the Iranian nation, such as freedom of expression and legal demonstrations and assemblies. Of course, such freedoms are contingent upon not violating the principles of independence, freedom, national unity, Islamic teachings and the foundation of the Islamic Republic. In addition, in the Islamic Republic of Iran, as in many other countries, social activities, such as forming parties, societies or associations, are conditional upon respect for the rules and regulations pertaining to the activities of political and non-political parties, societies and associations as well as unions, Islamic associations or religious minorities. The arrest or detention of some people happens on the basis of the criminality of their actions, as indicated in the law. No one has been arrested in the Islamic Republic of Iran for exercising the right to peaceful assembly. For instance, while more than 40,000 lawyers with

permits from the bar associations are performing their services officially, only a few of them have committed criminal acts and therefore have been prosecuted.

35. With regard to paragraph 38, it is necessary to refer to the acts of lawyers outside of the authority given to them, in order to ascertain the truth of the allegation about lawyers being imprisoned. The report of the Secretary-General confirms that when lawyers breach their legal authority, and commit acts against their codes of conduct, they are subject to disciplinary action, and if such acts are criminal, after a finding of criminal culpability is legally issued against them, they will be punished upon a court order. Given that sufficient information had already been submitted several times regarding the people mentioned in paragraph 38 of the report, it is most unfortunate that the same cases are repeated in this year's report.

F. Treatment of religious and ethnic minorities

36. Regarding paragraphs 40 and 41, the official stance of the Islamic Republic of Iran on respecting the citizenship rights of the Bahais has been announced repeatedly in the past. On the basis of article 19 of the Constitution, people in Iran, from whichever tribe, enjoy equal rights. In addition, according to article 20 of the Constitution, all people, men and women, are covered equally by the law and enjoy all human rights, including social, political and cultural rights, compatible with Islamic tenets. According to articles 12 and 13 of the Iranian Constitution, Islam is the official religion of Iran, and Zoroastrian, Jewish and Christian Iranians are considered the only religious minorities who are free to practice their religion based on the law and who can follow their own religion and religious teachings. Their personal status is pursued by their selected associations. Alongside religious minorities, the citizenship rights of the followers of sects, such as the Bahais, are totally respected. Of course, respecting the citizenship rights of people is dependent upon their observing their legal duties and obligations in the society in which they live, because rights come with responsibility. The legal principle of rights and responsibilities is recognized in other legal regimes. Given that in Islamic religious beliefs the inquisition of beliefs is vehemently rejected, and article 23 of the Constitution clearly expresses that the "Inquisition of beliefs is forbidden and no one can be attacked or reprimanded for holding an opinion", contrary to the claims of extensive media and political propaganda, particularly by the representatives of the Bahais, no person is expelled from Iranian universities or imprisoned in Iran merely for holding an opinion. Unfortunately, in the Bahai sect, inquisition and the imposition of beliefs is considered normal. For example, if a Bahai student at university chooses an Islamic teachings course, he or she is pressured by the Bahai sect. It is repeatedly asserted that educational centres in the Islamic Republic of Iran, like those of other countries, are obligated to respect domestic rules and regulations.

37. If people, irrespective of their religion, sect or belief, abide by the rules and regulations, no one is permitted to ignore their rights. Otherwise, the law will be imposed on offenders and criminals in order to make them respect the rights of others. The issue is that some Bahais, incited by their so-called global centre, the "House of Justice", located in the Occupied Palestinian Territories, resort to organizational activities and promote their sectarian beliefs at universities. Such acts are against the rules and regulations of academic and educational centres and disturb most students, professors and staff while disrupting the public order of universities.

38. Unfortunately, the Bahai students who observe the rules and regulations in universities are under the pressure from the Bahai sect and are subjected to "administrative rejection" and "spiritual rejection" and are abandoned and proscribed by the sect. Such a policy of rejection is only a minor example of the violation of the citizenship rights of Bahais and the imposition of sectarian decisions by Bahaism. The Bahai political organization is administered through a sectarian hierarchy. The centre of this organization is in the Occupied Palestinian Territories. In lower levels, there are two main ranks: "continental advisers" and the "international community". These two ranks have very close relations with lower ranks such as "Iran followers". There are eight national-provincial boards and contacts operating under "Iran followers". All eight boards have a direct influence on students who are related to the organization. These students take orders from city officials of the Bahai sect, who themselves take orders from provincial and national contacts. Some of their orders related to educational affairs are in violation of their citizenship rights. In sum, the presence of Bahais at various levels, postgraduate and undergraduate, in Iranian universities indicates the fact that they are not being confronted for their beliefs. Regarding the extensive economic activities of Bahais in the private sector and their holding of various commercial facilities in Iran, necessary information was provided in earlier reports. It should be noted that, despite the colonial backgrounds of Bahais in Iran, there is a true determination in Iran to respect their citizenship rights. The evidence provided in the footnote to paragraph 41 (footnote 46) is quoted from an anonymous organization, particularly the claim about a court in Iran allegedly trying 20 Bahais and issuing verdicts for them in six hours, which tends to be baseless.

39. Regarding paragraph 42, recognizing Christianity as an official religion in the Constitution is not a reason for the judicial impunity of the Iranian followers of Christianity. As reiterated in paragraph 14 of articles 3 and 20 of the Iranian Constitution, all people are equal before the law. That is why no person shall be prosecuted merely for holding a belief, Christianity included, unless that person has committed an offence against the law, in which case that person is issued an order of culpability and indictment and is then tried in court. If the accused is found guilty, a punishment will be imposed by the court in proportion with the offence. In addition, building a church requires a permit from the municipality and other relevant organizations, in the same manner as for the construction of a mosque. According to the information received, claims on the issue of lash orders for some Christians who had attended a religious function (a mass) are totally invalid. The report does not cite any source or reference for this claim. As cited in the report, no one is executed on the accusation of apostasy in Iran. It is expected that such non-documented claims be omitted from the text of the report.

40. Regarding paragraph 43, Iranian society is multi-ethnic, with an old cultural and religious mixture. Therefore, in Iran, there are multiple ethnicities and ethnic groups. Labelling ethnic groups as "minorities" is not compatible with such a rich history, and the great significance of ethnicities and ethnic groups and their influential role in all national decision-making, such as in Parliament, the Assembly of Experts and other religious and administrative bodies, are stressed. Therefore, attributing crimes to persons should not be done in a discriminatory manner under cover of their belonging to a particular ethnicity. The Islamic Republic of Iran has repeatedly disseminated information to international organizations about the criminal and terrorist acts and violent extremism in some of the western areas

(Kurdistan areas near the Iranian borders with Iraq and Turkey) and eastern areas (Baluchistan areas near the borders with Pakistan and Afghanistan), and the serious insistence of Iran on separating criminal, terrorist and violent acts from ethnic activities is emphasized here. It is regrettable that, despite the repeated dissemination of information, the terrorists, who have committed murder, killed innocent people, blown up public places, oil and gas pipelines, carried weapons and explosives, taken people hostage and made propaganda for violent and sectarian extremism, are named in the present report as Arab, Baluch or Kurd "activists".

41. Regarding paragraph 43, Hadi Rashedi and Hashem Shabani are from Ramshir, Khoozestan Province; they are not from Ahvaz. They were arrested on the accusation of armed conflict through the formation of the terrorist and separatist extreme group called Al-Muqavemah Al-Shaibiyah Le-Tahrir Al-Ahvaz, as well as their deep activities for advancing the goals of this terrorist and extremist group. They were carrying war weaponry, such as pistols, AK-47 (Kalashnikov) assault rifles, machine guns, hand grenades, rocket-propelled grenades and related ammunition. They were designing and programming acts of sabotage and explosions in public buildings and military facilities. They were also planning to assassinate political figures, such as the President of the Islamic Republic of Iran. They inflicted a lot of damage by firing rocket-propelled grenades at some military facilities. They intimidated and coerced people in the city of Ramshir by firing at private houses and intentionally attacking and battering non-local labourers, aiming at inciting separatist and sectarian violence. Therefore, the case of the above-mentioned people was referred to the court after a comprehensive investigation and the issuance of an indictment. They were sentenced to execution, with reference to articles 183, 186, 190, 191, 193, 194, 105, 498 and 500 of the Islamic Penal Code, following a hearing of their defence by their appointed lawyers in the court. They appealed and the case was referred to the Supreme Court. Appeals Court Branch 32 rejected the appeal based on petition no. 9109970910500714, dated 15 December 2012, and according to the authority stipulated in paragraph A of article 265 of the Public and Revolutionary Courts Proceeding. As with Ali Chibshat and Seyyed Khaled Moosavi, they were sentenced on the charge of conducting terrorist acts, such as bombing oil and gas pipelines. Their file was dealt with in a court in Ahvaz and, based on the evidence and following a hearing, the verdict was issued. This verdict was appealed. The Supreme Court rejected the appeal.

G. Economic sanctions

42. Regarding paragraphs 45 to 51 of the report, given the deep negative impacts of unilateral economic sanctions on people from various social strata in terms of health, production, employment and transport by air and sea, which, according to the above-mentioned paragraphs of the report, have severely affected and violated all the human rights of the Iranian people, it is a matter of surprise that the report of the Secretary-General, without referring to the clear violation of human rights by the unacceptable political decisions resulting in the imposition of sanctions against the people of Iran, has solely requested parties to pay more attention to the impacts of sanctions on people. It would have been much more appropriate for the Secretary-General, as someone in a global position, to support the Iranian people's human rights and to condemn the nature of such oppressive sanctions against them. Is this a belief of the Secretary-General, that those in the global power hierarchy have the right to bluntly violate the entirety of the fundamental rights of other nations?

Should their right to health, food, employment, etc. be victim to those powers' political objectives? A clear and supportive stance on this notion is the least one would have expected from paragraph 51.

H. Cooperation with the United Nations human rights mechanism

43. With regard to the cooperation of the Islamic Republic of Iran with the United Nations human rights treaties system, the report is incomplete. In December 2013, the Islamic Republic of Iran submitted its first report on the implementation of the Convention on the Rights of Persons with Disabilities to the relevant committee. Furthermore, in May 2013, the Islamic Republic of Iran defended its second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights.

44. With regard to paragraph 58, it appears that information supplied for the report on the cooperation of the Islamic Republic of Iran with the special procedures is not precise and, therefore, should be revised. According to documented and available information, available since 2013 and taken from 35 communications, Iran has sent 18 responses, which account for more than 50 per cent of the total correspondence. In the first six months of 2014, 17 communications were received, of which 3 have been responded to. Others are being considered, and will be responded to in due time.

45. With regard to paragraph 60, it seems that the paragraph, on Iran's second cycle of the universal periodic review, portrays an inappropriate image, with prejudgment and the use of negative terms, of the Iranian measures regarding the mechanism. The second national report of Iran on its implementation of the recommendations has been finalized and has already been submitted to the related department of the Human Rights Council. Therefore, it was expected that the paragraph would be revised.

III. Recommendations

46. With regard to paragraph 61, the report is appropriate in recommending the lifting, or at least a reduction of, sanctions against the people of Iran. In addition, as stated earlier, the 10-month period of the tenure of the President has not been enough for the materialization of all the goals and programmes that the new Government has pledged. It is necessary that these two issues be included in the recommendations of the report. The recommendation of the report for stopping execution should be omitted because 53 countries, including the Islamic Republic of Iran, sent a joint note to the Secretary-General on 11 March 2011 expressing their continued opposition to the General Assembly resolution on the moratorium on the use of the death penalty (resolution 67/176). These countries emphasized that capital punishment is an issue related to the criminal justice system and a mechanism which leads to the prevention of the most serious crimes. Therefore, this punishment should be assessed in terms of supporting the rights of victims and respecting the right to live in peace and security. Many of the countries which have maintained this punishment in their laws are acting according to their international obligations and their sovereign right, enshrined in the Charter of the United Nations, to provide for the social, cultural, legal and security needs of their people. No Member State has the right to impose its position on others. It should also be noted that each country is

entitled to choose its own judicial, legal, economic, cultural, political and social systems, without the interference and influence of other countries. Principles and goals stipulated in the Charter of the United Nations, particularly the provisions of Article 2, paragraph 7, reiterate that nothing in the Charter allows the United Nations to interfere in the internal affairs of countries. Therefore, the issue of maintaining or stopping capital punishment and the identification of the crimes punishable by capital punishment should be determined by each Member State, taking into consideration the interests of its people, the type of crime and the corresponding punishment, according to law. Any imposition on issues related to the jurisdiction of a Member State is in contravention to the Charter and international law. Given that more than 80 per cent of the executions in Iran are related to drug trafficking, it is more proper for the report of the Secretary-General to recommend that serious and effective measures be taken to form international and regional cooperation mechanisms for the reduction and elimination of the production and smuggling of narcotics and the prevention of drug-related crimes in eastern Iran. Such recommendations would strengthen the activities of UNODC in the region. The Islamic Republic of Iran has repeatedly welcomed such measures and considers them to be steps in the right direction towards upholding human rights. Iran has done its utmost to cooperate to the maximum degree possible with UNODC, which has acknowledged the contribution of Iran on various occasions.

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 29 September 2014 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the non-paper "Belarus and human rights: general views and cooperation with United Nations human rights mechanisms from 2012 to 2014" (see annex).

It would be appreciated if you could circulate the present letter and its annex as a document of the General Assembly, under agenda item 68 (c).

(*Signed*) Andrei **Dapkiunas**

14-62508 (E) 201014

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Annex to the letter dated 29 September 2014 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

[Original: Russian]

Belarus and human rights: general views and cooperation with United Nations human rights mechanisms from 2012 to 2014

Belarus has always opposed the politicization of human rights and freedoms, considering that international cooperation on human rights should be based on a comprehensive approach to the human rights situation that takes into account the historical experience, mentality and economic and political characteristics of countries.

The views of Belarus on human rights and the human rights situation in the world today are set out in an article by the Minister for Foreign Affairs of the Republic of Belarus, Vladimir Makei, entitled "Human rights: what and who made them divide the world?".[a]

Civil and political; economic, social and cultural; and individual and societal human rights and freedoms are universal, indivisible, interrelated, interdependent and complementary. Each category of human rights and freedoms should be approached on an equal footing and given the same emphasis.

When the human rights situation of a country is considered, the country's overall situation in the socioeconomic or religious and ethnic spheres is often ignored. The number and frequency of demonstrations and acts of protest are considered as a sign of "freedom" in a society to express views and opinions rather than as an indication of protest movements caused by a worsening of individuals' socioeconomic situation or by violations of their rights in that area. The activities of openly extremist, nationalist, neo-Nazi organizations are seen as an expression of pluralism, but even a single occurrence of an organization with such radical views points to an unhealthy situation in society, while the activity of such parties and organizations violates, for example, the rights of national minorities. The capacity of employers to reach an agreement and compromise with trade union organizations, thereby averting a possible strike, is criticized as an abuse of workers' rights.

There are many such examples of openly distorted views of human rights. Unfortunately, there are just as many manipulative statements in this area. Not one State in the world can boast of not having problems in the area of human rights. The Ministry of Foreign Affairs of the Republic of Belarus has produced a report on this subject which addresses the most prominent cases of human rights violations in certain countries of the world.[b]

International efforts to advance and protect human rights and freedoms must be based on the principles of cooperation, impartiality and mutually respectful dialogue, and they must seek to strengthen the national efforts of the States Members of the United Nations to fulfil their obligations in this area and to provide

[a] Available from http://mfa.gov.by/press/smi/b83045265588b2ad.html.
[b] Available from http://mfa.gov.by/en/publications/reports.

assistance in establishing the fine line between upholding the rights and freedoms of one group and abusing the rights and freedoms of another.

Belarus and the universal periodic review

Belarus underwent the first cycle of the universal periodic review process in May 2010, which led to the acceptance of 74 of 93 recommendations on the promotion of economic, social, civil and political rights and freedoms, and the defence and promotion of the rights of women, children, persons with disabilities, refugees and migrants.

Belarus is continuing its efforts to implement the recommendations and has fully or partially fulfilled over two thirds of them. In February 2012 in a spirit of good will, Belarus submitted an intermediate report on implementation of the recommendations[c] to the Office of the United Nations High Commissioner for Human Rights (OHCHR). Progress on implementation of the recommendations was also noted by the United Nations office in Belarus.

At the initiative of Belarus, with the support and participation of OHCHR and the United Nations/United Nations Development Programme (UNDP) country office in Belarus, a process of national consultations was launched with the participation of representatives of the executive, legislative and judicial powers, academia, civil society organizations and business in preparation for the second cycle of the universal periodic review process for Belarus (spring 2015).

- First round (February 2012): international organizations and civil society participated in a discussion on progress in implementing the recommendations made during the universal periodic review process. A decision was taken regarding preparation of the intermediate report
- Second round (December 2013): OHCHR, international organizations, civil society and international experts participated in a discussion of technical aspects of preparing for the second cycle of the review process and international experience
- Third round (March 2014): OHCHR, international organizations and civil society participated in a discussion of progress in implementing recommendations based on the results of the first cycle of the review process
- Fourth round (November-December 2014): a discussion of the draft national report for the second cycle of the review process is planned.

Belarus and the United Nations treaty bodies

Belarus, as one of the founding States of the United Nations, is a party to most of the international human rights instruments. In compliance with its international obligations in connection with participation in human rights treaties, Belarus regularly submits national periodic reports for consideration by United Nations treaty bodies. Over the period from 2012 to 2014, Belarus submitted:

- The combined fourth, fifth and sixth periodic reports to the Committee on Economic, Social and Cultural Rights (November 2013)

[c] Available from www.ohchr.org/en/hrbodies/upr/pages/uprimplementation.aspx.

- The combined eighteenth and nineteenth periodic reports to the Committee on the Elimination of Racial Discrimination (August 2013).

In 2015 and 2016 Belarus will submit periodic reports to the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee against Torture.

In addition, in the context of cooperation with United Nations treaty bodies, Belarus prepared and submitted a common core document which forms part of the national periodic reports and describes the general human rights situation in Belarus.

Belarus and the Office of the United Nations High Commissioner for Human Rights

Over the period from April to June 2013, the first technical assistance project in the history of cooperation with OHCHR was implemented. As part of this project, in May 2013 the first seminar on counter-trafficking in a human rights context was held for representatives of the Group of Friends United against Human Trafficking. Representatives of 22 countries took part in the seminar. The seminar was opened by the Under-Secretary-General of the United Nations and Executive Director of the United Nations Office on Drugs and Crime. One of the seminar's outcomes was the adoption of a resolution on holding such events on counter-trafficking in a human rights context on a regular basis.

In June 2013 on the initiative of Belarus and with the cooperation and participation of OHCHR and the United Nations/UNDP office in Belarus, a seminar on the prevention of racial discrimination, xenophobia and related intolerance was held in Minsk for government bodies and civil society.

In 2012 and 2013 at the invitation of OHCHR, representatives of government bodies and civil society took part in three regional events on human rights issues, in the course of which the participants were informed of progress made in the sphere of human rights, including in relation to implementation of the recommendations based on the universal periodic review.

In 2014 Belarus once again invited a number of the special procedures mandate holders of the Human Rights Council to visit Belarus, this time expanding the list of invitees. Belarus is awaiting a response to the invitation.

In June 2014 on the initiative of Belarus and with the cooperation and participation of OHCHR, the UNDP office in Belarus, the European Union and the Council of Europe, an international seminar on the functioning and establishment of national human rights institutions was held. At this event, the concept of an ombudsman institution in Belarus was introduced.

In September 2014 on the initiative of Belarus and with the cooperation and participation of OHCHR and the UNDP office in Belarus, an international seminar on efforts to counter incitement to hatred, xenophobia and related intolerance on the Internet was held, with the participation of the Human Rignts Council Special Rapporteur on minority issues, Rita Izsák.

Belarus is planning to continue its constructive cooperation with OHCHR by holding joint events on implementation of the provisions of international human rights treaties in judicial practice; promotion and defence of the human rights of persons with disabilities; and other issues.

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 15 October 2014 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum on the situation of human rights in the Republic of the Union of Myanmar (see annex).

I should be most grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 68 (c).

(*Signed*) Kyaw Tin

14-62996 (E) 231014

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Annex to the letter dated 15 October 2014 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

Memorandum on the situation of human rights in the Republic of the Union of Myanmar

I. Introduction

1. Since the President, U Thein Sein, came into office on 30 March 2011, the Government of Myanmar has launched wide-ranging political, economic and social reforms to fulfil two fundamental needs of the people, namely the establishment of peace, stability and the rule of law and socioeconomic development. This has resulted in significant progress in promoting democratic values and human rights and in national reconciliation and the peace process. An all-inclusive political system with a constitutionally elected Government and a vibrant legislature is now in place. Despite its complexities and challenges, Myanmar is gaining great momentum and moving forward on its path of peaceful democratic transition.

2. These efforts have won the widespread recognition and support of the international community, paving the way for strengthened relations and engagement with the international community at large. In 2014, Myanmar has further elevated its international standing by taking on the important responsibility of chairing the Association of Southeast Asian Nations (ASEAN).

3. Myanmar is opposed to country-specific mandates in principle. Nevertheless, it has always cooperated with the United Nations and its human rights mechanisms. Myanmar is now taking an even more constructive approach to engagement with the international community by addressing the remaining challenges.

4. Despite the unparalleled progress made by Myanmar in its democratization efforts, the issue of Myanmar will once again be considered by the General Assembly, at its sixty-ninth session. Myanmar remains unjustly placed under scrutiny through a country-specific resolution. A growing number of Member States share the view that the time has come to end the consideration of a country-specific resolution against Myanmar.

5. The present memorandum is intended to increase awareness among Member States and the international community about the specific measures taken by the Government of Myanmar to promote and protect human rights values, including freedom of association, freedom of expression, freedom of the media, and about the ongoing democratic reforms.

II. Process of democratic transition

6. The Government of Myanmar is rapidly advancing on the path of peaceful democratic transition that started just over three and a half years ago by setting in motion waves of political and economic reforms.

7. During the first wave of the reform process, the Government transformed the old centralized system into a multiparty democratic system. The first wave was one of peaceful transformation, from military Government to multiparty democratic

system in which all political forces work together to overcome their differences through dialogue in the two houses of parliament (the *Pyiuthu Hluttaw* and the *Amyotha Hluttaw*). Today, over 60 political parties participate in the political process. An inclusive political system has been established that brings all stakeholders into the process through national reconciliation. The first wave of reform has addressed almost all issues of concern to the international community through a culture of dialogue, national reconciliation, the release of prisoners of conscience, the enlargement of the political space and greater freedom of the media, peaceful assembly and association. Given the unprecedented progress made in the peace negotiations, a nationwide ceasefire agreement is expected to materialize in the near future. In today's world of turmoil, Myanmar is one of just a few countries where democratic transition has come about in a peaceful way.

8. The second wave has unleashed an array of economic and social reforms and promoted good governance and private sector development. The national comprehensive development programme, which consists of four five-year plans covering the 20-year period from 2011 to 2031, is central for enhancing economic development and raising the living standard of the people. Private sector development is being facilitated and fortified by improving the institutional infrastructure and the regulatory framework to facilitate business, trade and investment. The Government is focusing on poverty reduction, rural development and the creation of employment opportunities for the benefit of the people. The economic reform measures and a rise in foreign direct investment have resulted in a rosy picture of steady growth: the country's economy grew by 7.3 per cent in 2012-2013 and is projected to grow by 8.7 per cent in 2014-2015.

9. The Government is now consolidating its third wave of reform. It is focusing on laying a firm foundation for a new democratic State and on delivering benefits to the people by fulfilling their needs for socioeconomic development through government ministries at every level. For Myanmar, the most important task at hand is to keep the reforms on track by ensuring peace, stability and national reconciliation.

10. Regardless of the different views held on the pace and scope of its reform process, Myanmar is determined to move forward with the reforms. There will be no turning back. Since democracy in Myanmar is in its infancy, the country, like other countries in transition, is facing numerous challenges. The Government has a long to-do list but low capacity. To see Myanmar become a flawless democracy in just a few years would be to place too high an expectation on the country. Myanmar needs the understanding and the continued support of the international community in its efforts for economic development and capacity-building and for laying a good foundation for a democratic society.

III. Constitutional review process

11. Constitutional review is a crucial step in the transition to a more democratic nation. Myanmar fully recognizes the need to make improvements to the Constitution gradually, in accordance with the relevant provisions. To this end, a 109-member constitutional review joint committee comprising members of parliament, representatives of the military and political parties and other individuals

was set up by the *Pyidaungsu Hluttaw* (the entity consisting of both houses of parliament) in July 2013.

12. The joint committee invited suggestions from a wide range of stakeholders for ways of reviewing the State Constitution. It reviewed over 323,000 suggestions, received from all sectors of society, and submitted a report with suggestions on each chapter to the *Pyidaungsu Hluttaw* on 31 January 2014.

13. On the basis of the report, on 3 February 2014 the *Pyidaungsu Hluttaw* set up a 31-member implementation committee on amending the Constitution, which has since met 39 times and taken into consideration suggestions made by the public, political parties and representatives of ethnic groups. The implementation committee is expected to submit its findings to the *Pyidaungsu Hluttaw* at its current session.

14. In fact, constitutional reforms fall within the purview of the parliament. The Government has stated that it would assist citizens and their representatives in their efforts to amend the Constitution. The constitutional amendment process should take into consideration the agreements reached in the peace process. The constitutional review process is very much alive, reflecting the fact that the Constitution is living, breathing and always evolving. Any change must be made under the right conditions and at the appropriate time, in harmony with society's political, economic and social needs.

IV. National reconciliation

15. The Government of Myanmar is building a peaceful, modern and developed nation, attaching priority to peace and stability and the rule of law. National solidarity and harmony among members of the country's different races is vital for the perpetuation of the Union. Soon after taking office, the President offered an olive branch and invited all ethnic armed groups to participate in peace talks. As a result of the genuine goodwill and the relentless efforts of the Government during the past three years, tangible progress has been made towards national reconciliation.

16. The Government and the armed groups are working hard and are making strong commitments to overcome the remaining differences with a view to signing a nationwide ceasefire agreement as soon as possible. The Union Peacemaking Work Committee is negotiating with a single team, namely the Nationwide Ceasefire Coordination Team, which represents all armed ethnic groups. The Union Peacemaking Work Committee, the Nationwide Ceasefire Coordination Team and the representatives of various political parties have already met twice in 2014. Those meetings have resulted in the formulation of a single draft ceasefire agreement. Once the nationwide ceasefire agreement has been signed, all stakeholders will meet to discuss the drafting of the framework of the political dialogue. At the Union level, the process will serve to strike a comprehensive and lasting peace agreement that will pave the way for bringing to an end the six decades-long conflict. The Government is serious in its commitment to the success of the peace process and is open to discussing all issues except separation and any issue that could undermine sovereignty.

V. Promotion and protection of human rights

17. As part of its reform measures, Myanmar has stepped up its efforts to promote and protect human rights, including by enacting legislative reforms, releasing prisoners of conscience, removing restrictions on political activities, granting greater freedom of expression and assembly and establishing the National Human Rights Commission. Myanmar accords priority to the right to development and has been striving for the equitable and balanced development of the country. Section 347 of the State Constitution stipulates that the Union shall guarantee for its citizens the enjoyment of equal rights before the law and provide legal protection equally.

A. Universal periodic review process

18. The universal periodic review process of the Human Rights Council is the rightful mechanism to take up human rights issues. It enables the international community to act in an objective, prudent and consistent manner, which is why Myanmar participated in the universal periodic review process in January 2011, after having submitted its first national report to the Working Group on the Universal Periodic Review. Of the 190 recommendations it received, Myanmar is in the process of implementing the 78 recommendations it found acceptable. In addition, Myanmar has become a party to several core human rights instruments. On 7 December 2011, it acceded to the Convention on the Rights of Persons with Disabilities and, on 16 January 2012, to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. At present, it is seriously considering acceding to the International Covenant on Economic, Social and Cultural Rights and is preparing to submit its second national report to the Working Group on the Universal Periodic Review, in 2015.

B. National Human Rights Commission

19. With a view to further promoting and safeguarding the fundamental rights of citizens, as prescribed in the Constitution, the National Human Rights Commission of Myanmar was first established, by presidential decree, in 2011. The Commission comprises independent experts from all sectors of society, including representatives of the various national races who have earned the respect of their communities. The activities of the Commission include taking action in response to complaints of rights violations filed by people or organizations inside or outside the country and raising awareness about human rights in government ministries and among the general public. The Commission received a total of 1,990 complaints in 2013. In addition to carrying out outreach activities, the Commission goes on field trips and investigates complaints of rights violations and situations in conflict areas. It occasionally issues press statements on its findings, together with recommendations. The Commission is also associated with the activities of the ASEAN Intergovernmental Commission on Human Rights.

20. On 24 September 2014, the Commission was reconstituted, to enable it to function as an independent entity. A law was enacted in March 2014 to bring the Commission into conformity with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles). Myanmar is one of just a few ASEAN countries to have a national human rights institution.

C. Legislative reforms

21. As part of the intensive process undertaken by Myanmar to review its existing laws, new legislation has been enacted by the parliament, contributing significantly to a legal framework that is in line with the national reform agenda. In just three years, nearly 100 laws have been amended and enacted. A total of 136 laws are in the process of being repealed, amended and replaced so as to be in conformity with the Constitution. In this process, the Government has sought external technical assistance for the drafting of some items of legislation.

D. Freedom of the media

22. Enlarging the space for people to express their views and opinions has been one of the most positive developments of the reform process in Myanmar. Greater media freedom has been granted in the country by abolishing press censorship, permitting the publication of private daily newspapers and enacting new media laws in line with international norms and practices. No restriction is imposed on the use of the Internet in Myanmar. Since press censorship was abolished in August 2012, there has been a mushrooming of weekly journals and private daily newspapers. New laws on printing and publishing and on the media have also been enacted, setting out journalists' rights and responsibilities. Recently, accusations of backtracking in terms of media freedom have been made. The arrests of some journalists were cited but, in fact, those journalists were sentenced not because of their reporting but because of offences they had committed, which included breaking into a restricted area. A press council has also been put into place to ensure liberty and accountability through a checks-and-balances system.

23. With a view to serving the interest of the people through effective media assistance, there are plans to transform State-owned media into public service media. To that end, a public service media law has already been proposed to the parliament for approval. Through this process, State-controlled media will soon be transformed into public service and commercial forms of media.

E. Freedom of association

24. Myanmar has made significant progress in expanding the rights to freedom of peaceful assembly and freedom of association. In line with the spirit of the International Labour Organization (ILO) Convention concerning Freedom of Association and Protection of the Right to Organize (No. 87), a law on labour organization was enacted on 11 October 2011; its related rules were subsequently stipulated on 29 February 2012. That law not only protects the rights of workers but also facilitates industrial relations among workers, employers and the Government.

25. The enactment of the labour organization law has resulted in a rapid increase in the number of trade union-like associations. As at May 2014, 1,101 basic labour organizations, 32 township labour organizations, 2 labour federations and 22 basic employer organizations had been registered and were functioning across the country. Over 60 political parties had registered and were actively participating in the political process.

F. Freedom of assembly

26. Myanmar has also accorded greater freedom of assembly for the first time in five decades with the entry into force, in July 2012, of a law on the right to peaceful assembly and peaceful procession. Since then, people have been able to organize peaceful protests and exercise their right to freedom of peaceful assembly in accordance with the law. An amendment to that law was also enacted, on 24 June 2014, granting the public further freedom of assembly. There have been some cases involving the arrest of some individuals, either because of their involvement in peaceful assembly without permission or for inciting assaults or the violation of laws.

G. Freedom of religion

27. Myanmar is a multi-ethnic and multi-religious country with a long history of peaceful communal coexistence and religious harmony and tolerance. This is reflected in the major cities of Myanmar, where it is common to see Buddhist temples, churches and mosques stand side-by-side and in each other's shadows. Chapter VIII of the State Constitution adequately guarantees, among other things, the fundamental rights of citizens. The State Constitution also guarantees religious freedom and protection to all major religions. The major causes of the recent communal tension are not based on religion but are deeply rooted in a long history of mistrust involving immigration-related factors. Peoples of different faiths are living in harmony in many parts of Myanmar. The Government encourages interfaith dialogues across the country with a view to promoting understanding and trust among different communities. An interfaith conference of the leaders of the five faiths, held in Yangon in October 2013, was attended by religious community leaders.

H. Anti-corruption commission

28. As part of its efforts to promote good governance, Myanmar has become a party to the United Nations Convention against Corruption. In August 2013, an anti-corruption law was enacted, in compliance with the State Constitution and the provisions of the Convention. A law amending the anti-corruption law was also enacted, on 24 July 2014. The law aims to eradicate graft through a transparent Government. Furthermore, it aims to protect the public from losses related to corruption, take effective action against corrupt public officials, improve the country's economic development and attract foreign investment.

29. To put the anti-corruption law into effect, a 15-member commission led by a vice-president was formed in August 2013. The commission's members were chosen by the parliament from a list of former senior civil servants, lawyers, auditors, lawmakers and high-level military officials proposed by the President. Five appointees were chosen from President's list, five others were chosen from among nominees submitted by speakers of the upper house of parliament and another five were chosen from among nominees submitted by speakers of the lower house of parliament.

I. Elimination of forced labour

30. The efforts made by Myanmar to eliminate the use of forced labour through the signing of a supplementary understanding with ILO on 26 February 2007 is another success story. The Ward or Village Tract Administration Law, enacted in

February 2012, captures the spirit of the ILO Convention concerning Forced or Compulsory Labour (No. 29) and criminalizes the use of forced labour. A forced labour complaint mechanism has also been established and Myanmar has been implementing a joint strategy for the elimination of forced labour that was signed with ILO on 16 March 2012. The progress achieved in addressing the issue has led to the lifting of all remaining restrictions placed on Myanmar by ILO.

31. The ratification of the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), one of the fundamental ILO conventions, is another important step taken by the Government of Myanmar to promote and protect the rights of the child. In addition, the ratification by Myanmar of Convention No. 182 illustrates the commitment of the Government to meeting international labour standards and further promoting and protecting labour rights.

J. Release of prisoners of conscience

32. The release of prisoners of conscience is a prominent manifestation of the progress made in national reconciliation. Since the establishment of the new Government in 2011, a series of amnesties has been granted and thousands of prisoners, including prisoners of conscience, have been released. The President has made every effort to deliver on his commitments to leave no prisoner of conscience in prison through the independent mechanism of a dedicated committee. On 7 October 2014, another 3,073 inmates, including 58 foreigners, were released under the most recent presidential amnesty.

33. Many former prisoners of conscience and labour activists now freely participate in the parliament, political parties, civil society organizations and labour organizations.

K. Bilateral human rights dialogues

34. As Myanmar opens up, the Government has adopted an approach of constructive engagement and dialogue in addressing the remaining issues of human rights. As such, bilateral human rights dialogues have been successfully conducted with the United States of America, the European Union and Japan. The first such dialogue between Myanmar and the United States was held in Nay Pyi Taw in November 2012; the second round is tentatively scheduled for January 2015. The first human rights dialogue with Japan was held in February 2013 and the second in May 2014.

35. During the first human rights dialogue between Myanmar and the European Union, held in May 2014, issues of common interest were discussed with a view to strengthening cooperation to promote and protect human rights and to promote the exchange of best practices in ratifying international conventions and treaties. The dialogue covered a wide range of issues, including political prisoners, freedom of expression, communal tensions, hate speech, economic, social and cultural rights, land rights, business and human rights, labour rights and non-discrimination.

L. Preventing the recruitment of underage children for military service

36. The Government's efforts to address the issue of underage soldiers have led to significant progress being made through the implementation of a joint plan of action

signed by Myanmar and the United Nations on 27 June 2012. The government army is strongly committed to preventing and ending the recruitment and use of underage children for military service. Since the plan of action was launched, there have been no new cases involving the recruitment of underage children, thanks to the introduction of systematic screenings at different levels, in parallel with public awareness campaigns and training programmes for the military. Government officials and the United Nations country task force on monitoring and reporting are meeting regularly to finalize the implementation of the joint action plan over the long term.

37. Every complaint received is verified and every identified underage child in the service is demobilized and reintegrated into his or her community. To date, a total of 472 children and youth have been discharged from the military since the signing of the joint action plan. Action has also been taken against members of the armed forces who have violated recruitment rules and regulations. The government army is fully committed to getting itself removed, in the near future, from the list of parties that recruit or use children contained in the report of the Secretary-General on children and armed conflict.

M. Protection and promotion of women's rights and security

38. In Myanmar, women constitute more than half the population (26.59 million of the country's 51.41 million). Article 348 of the State Constitution stipulates that no citizen of Myanmar shall be discriminated against on the basis of race, birth, religion, official position and status, culture, gender or wealth. Laws, bylaws and arrangements are in place to enable women to enjoy their rights and opportunities to the fullest extent.

39. Pursuant to the provisions of the Beijing Declaration, the Myanmar National Committee for Women's Affairs is playing a vital role in the overall development of women's lives and the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action.

40. Marking a recent development in this area, Myanmar has signed the Declaration of Commitment to End Sexual Violence in Conflict at the Global Summit (A/68/633, annex, enclosure), launched in London in June 2014.

N. Opening of an office of the Office of the United Nations High Commissioner for Human Rights in Myanmar

41. As part of its efforts to promote voluntary cooperation with the United Nations, in November 2012 Myanmar, through a press release issued by its Information Committee, stated that it would continue to hold talks over the opening of an office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the country.

42. Accordingly, Myanmar has been engaging in talks with OHCHR since then. A standard host country agreement was transmitted to the Government of Myanmar through its Permanent Mission in Geneva by OHCHR in November 2012. It has been the intention of Myanmar to focus its cooperation with OHCHR, at the initial stage, on the technical assistance it sorely needs to enhance its efforts to promote and protect human rights in the country.

43. At this time of transition, Myanmar is in dire need of technical assistance from OHCHR to strengthen the independence and capacity of the National Human Rights Commission and the parliament, as well as for the process of possible ratification of the remaining core international human rights instruments. Technical assistance is also needed for the government line ministries to follow up on the recommendations arising from the universal periodic review, for advocacy involving civil society and for the forthcoming universal periodic review process.

44. In September 2013, Myanmar sent a counterproposal containing the technical cooperation mandate to OHCHR. The proposal reflected the views and comments of the respective ministries. OHCHR is, however, insisting on the full mandate.

45. Despite its consistent opposition to the country-specific mandate, Myanmar has continued to extend full cooperation to the Special Rapporteur on the situation of human rights in Myanmar and to avail itself of the good offices of the Secretary-General and his Special Adviser on Myanmar. Since the Special Rapporteur has already been mandated to monitor and report on the human rights situation in the country, Myanmar does not see the need to allow the additional mandate of the OHCHR country office. A dual-monitoring mechanism under the same mandate should not be warranted for any reason, especially for a country making positive changes.

46. The opening of an office of a United Nations entity must naturally be based on shared goals and on mutually convenient terms and conditions. The voluntary commitment of Myanmar largely depends on a constructive response from OHCHR to the counterproposal submitted in September 2013.

47. Despite this difference of opinion on the mandate of the Office, Myanmar is cooperating with OHCHR on the ground. For instance, at least three officials from the OHCHR Bangkok office are present in Myanmar with the Government's permission and are making frequent visits to Rakhine State.

VI. Developments in Rakhine State

48. At a time of democratic transition, when society has opened up with liberalized policies and free social media, Myanmar has had to confront the unfortunate challenge of communal violence in Rakhine State. That violence, sparked by a brutal crime, has brought misery and caused the loss of lives and homes to both of the communities involved. The violent clashes between the two communities are rooted in a long history of mistrust involving issues of immigration and competition over resources.

49. The Government fully recognizes the need to address the issue so as to avoid undermining the ongoing reform process. To that end, the Central Committee on the Implementation of Peace and Stability and Development in Rakhine State was established on 13 March 2013, with a vice-president acting as its Chair. The high-level committee is overseeing efforts to address the urgent needs of the affected communities.

50. The Government has been providing humanitarian assistance to both communities, without discrimination and in cooperation with the international humanitarian community. The central and local authorities have been assigned to ensure security, rule of law, humanitarian access and reconciliation in the State. The

United Nations aid agencies and international aid groups are now resuming their development, humanitarian, health-care and education programmes in Rakhine State. On 9 September 2014, Médecins sans frontières signed a new memorandum of understanding with the Ministry of Health to re-engage in Rakhine State. A mechanism of the Emergency Coordination Centre that includes representatives of local authorities, both communities and aid agencies has also been set up to promote the facilitation, coordination and transparency of all humanitarian assistance.

51. It is most important to make sure that humanitarian aid goes to both communities without discrimination so as to avoid local anxieties and to pave the way for the smooth functioning of aid agencies. Providing development assistance and better infrastructure will not only create livelihood opportunities for both communities but also win the hearts and minds of the local population, thereby changing their perception of aid agencies. Fulfilling the needs of both communities, including through development aid, education and health services, is essential for bringing peace and stability to the area. To this end, Myanmar welcomes the new approach, which focuses on the development of Rakhine State and, in parallel, on the unbiased provision of humanitarian assistance.

52. The root cause of tensions in Rakhine State is lack of development. Better infrastructure, such as roads, bridges, water and electricity supply, communication and transportation, are essential for the development of the State. As such, the Government is investing, jointly with private entrepreneurs, in development projects in the region. Various urban development projects in and around Sittwe, an electricity project and an industrial zone in Ponnagyun township and the Kyaukphyu special economic zone are now under construction. All major cities in Rakhine State will have access to electricity by December 2014. The completion of these projects will provide employment opportunities and better livelihoods for everyone living in Rakhine State.

53. The Government has already drafted an action plan for Rakhine State, having sought the views of the communities, United Nations agencies and non-governmental organizations, including international non-governmental organizations. The action plan deals with major issues relating to security, stability and the rule of law; rehabilitation and reconstruction; the matter of citizenship in respect of Bengalis; socioeconomic development; and peaceful coexistence. The plan of action is designed to rebuild Rakhine State as a harmonious, peaceful and prosperous place.

54. A pilot citizenship verification project was launched in Myay Pon township to screen out illegal immigrants. Individuals who meet the requirements of the 1982 citizenship law will enjoy their due rights. Hundreds of people, together with their family members, have already been granted citizenship and benefitted from the pilot project. The international community should avoid the sensitive issues of terminology and focus on how to help bring about peace, stability, harmony and development for all people in Rakhine State. International partners could best help Myanmar in addressing the issue by providing not only humanitarian assistance but also much-needed development assistance for both communities. Such projects will be expanding to other areas in Rakhine State.

VII. Conclusion

55. At this time of rapid democratic transformation, Myanmar faces complicated and delicate challenges to establishing peace and stability while struggling for inclusive development to meet the high expectations of the people. Despite the limited capacity of the country, these challenges are not insurmountable. Myanmar cannot afford to allow any challenges to disrupt the reform process under way. Myanmar calls upon the international community to understand the complex challenges faced by the country in perspective and to continue to support the efforts of Myanmar to overcome them.

56. Myanmar has changed and continues to change in the right direction. Unparalleled progress has been made in promoting human rights and democratization. Notwithstanding the remaining challenges, most major concerns related to human rights have already been addressed to a large extent. In the light of these developments, the country-specific issue of Myanmar should not remain under scrutiny by the General Assembly, which is supposed to take up the issue of grave human rights concerns. It will set a bad precedent to exert continued political pressure on a country that has made dramatic positive changes. This is not the time for the United Nations to expand its monitoring of the country. On the contrary, now is the time to remove the issue from the agenda of the Assembly and to end all the mandates on Myanmar, which have stretched over two decades. Myanmar has entered a new era and should now be viewed with a different mindset and from a new perspective.

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 17 October 2014 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to refer to the panel discussion on the human rights situation in the Democratic People's Republic of Korea co-organized by the Permanent Missions of Australia, Botswana and Panama and some non-governmental organizations, to be held on Wednesday, 22 October 2014, in the Economic and Social Council Chamber at United Nations Headquarters.

This discussion, which will feature a statement by the former Chair of the United Nations commission of inquiry on human rights in the Democratic People's Republic of Korea, Michael Kirby, and testimonies of so-called "former North Korean political prisoners and refugees", is totally provocative and politically motivated, with an aim of distorting the reality of the human rights situation in the Democratic People's Republic of Korea.

In particular, providing a conference room at United Nations Headquarters for a provocative event targeted at an individual Member State is an act of inciting confrontation and conflict within the United Nations, because the discussion in question is plotted through the ill intention of some Member States to obscure the reality of the Democratic People's Republic of Korea and its righteous position and, furthermore, to bring down the social system chosen by its people.

The politicalization, selectivity and double standards of abusing human rights for a sinister political purpose should never be allowed.

The Democratic People's Republic of Korea will decisively frustrate the persistent anti-DPRK "human rights" campaign of the hostile forces and continue to make its utmost efforts to firmly defend its socialist system and provide better conditions for the people's enjoyment of human rights.

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I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 68 (c).

(*Signed*) Ja Song Nam
Ambassador
Permanent Representative